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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/197,643	11/23/1998	NAOKI KUWATA	Q52377	1520

7590 09/26/2003

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2100 PENNSYLVANIA AVENUE N W  
WASHINGTON, DC 200373202

EXAMINER
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TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 09/26/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/197,643

Applicant(s)

KUWATA ET AL.

Examiner

Nhan T. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11 is/are allowed.
- 6) ☒ Claim(s) 1 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 2-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1 and 12-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

2. Claims 1, 6, 9 – 14 are objected to because of the following reasons:

Claim 1 recites the limitation "the element colors" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the initial element color components" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the initial element color components" in line 14 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the initial element color components" in line 15 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the initial element color components" in line 21 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the element colors" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the element colors" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the element colors" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 13 & 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimoto et al (US 5,712,924).

Regarding claim 1, Fujimoto discloses an image processing apparatus performing image progressing on image data consisting of dot-matrixed pixels (Figs. 5 - 9), each of dot-matrixed pixels having color element data from all the element colors (R, G, B as shown in Fig. 14), the dot-matrixed pixels being output from an input device (scanner) which generates the image data by obtaining image data by a single-plate solid image pickup device (a CCD as shown in col. 1, lines 11-14) where a plurality of color filters of element color components are arranged in a

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mosaic in a nonuniform densities (R, G, B as shown in Fig. 14) and supplementing the image data by calculation to change the nonuniform densities to uniform densities (an uniform pixel containing R, G and B as shown in Fig. 14; see abstract, col. 2, line 21 – col. 4, line 35), the apparatus comprising:

a color blur pixel detection unit (21) detecting a color blur pixel (a target pixel) in the image data (see Fig. 3; col. 6, line 65 – col. 7, line 44);

an image processing unit (22) performing image processing on pixels within a predetermined range having the detected color-blur pixel as a reference pixel, so as to reduce a color blur (see Fig. 3; col. 7, line 45 – col. 9, line 40).

Regarding claim 13, the claimed limitations are analyzed with respect to claim 1.

Regarding claim 14, the claimed limitations are analyzed with respect to claim 1, wherein the image processing is clearly controlled by a control program (software) as shown in col. 6, line 65 – col. 9, line 40.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al (US 5,712,924) in view of Ishihara et al (US 5,390,264).

Regarding claim 12, the claimed limitations are analyzed with respect to claim 1.

Additionally, the image data must be stored in an inherent memory, for example a buffer, and the target pixel must be also moved sequentially in order for the system to function as disclosed.

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Fujimoto does not explicitly disclose updating data of the pixel of interest stored in the memory with calculated data. However, such operation utilizing frame memory is well known in the art as taught by Ishihara in Fig. 1; col. 1, lines 9-12 & col. 4, lines 10-14.

Therefore, it would have been obvious to one of ordinary skill in the art to recognize the conventional way that the image data is updated after correction to maintain the image data with the most current updated data.

***Allowable Subject Matter***

6. Claims 9 – 11 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

Claims 2 – 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:  
The Prior Arts fail to teach or suggest the claimed limitations of claims 2 and 6.

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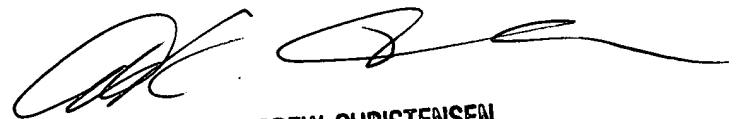
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

NT.



ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
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